

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO.: 1:16-CV-01044-CCE-LPA**

DAVID CLARK, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Defendants.

**DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS'
AMENDED COMPLAINT**

Defendants Duke University, the Duke Investment Advisory Committee, Kyle Cavanaugh, Tim Walsh, James S. Roberts, Kenneth C. Morris, Rhonda Brandon, Neal Triplett, and Steve Smith (collectively, "Defendants"), through their undersigned counsel, respectfully request that the Court grant their Motion to Dismiss Plaintiffs' Amended Complaint (the "Motion") pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of their Motion, Defendants offer the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiffs' Amended Complaint and the Declaration of Kyle Cavanaugh and exhibits thereto, filed simultaneously herewith.

WHEREFORE, for the reasons set forth in the accompanying Memorandum, Defendants respectfully request that the Court dismiss the Amended Complaint in its entirety with prejudice, and grant such other relief as the Court determines is just and appropriate.

Dated: January 17, 2017

/s/ Jeremy P. Blumenfeld

Jeremy P. Blumenfeld
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
Telephone: 215.963.5000
Facsimile: 215.963.5001
Email: jeremy.blumenfeld@morganlewis.com

Donald L. Havermann
Christopher A. Weals
Abbey M. Glenn
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave NW
Washington, DC 20004-2541
Telephone: 202.739.3000
Facsimile: 202.739.3001
Email: donald.havermann@morganlewis.com
Email: christopher.weals@morganlewis.com
Email: abbey.glenn@morganlewis.com

/s/ Stacy K. Wood

Stacy K. Wood (N.C. State Bar No.: 21768)
PARKER POE ADAMS & BERNSTEIN LLP
Three Wells Fargo Center
401 South Tryon Street, Suite 3000
Charlotte, NC 28202
Telephone: 704.335.9844
Facsimile: 704.335.9698
Email: stacywood@parkerpoe.com

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2017, I electronically filed the foregoing Motion to Dismiss Plaintiffs' Amended Complaint with the Clerk of Court using the CM/ECF system which will send notification of such filing and effectuate service to all counsel of record in this matter, including:

Jerome J. Schlichter
Michael A. Wolff
Troy A. Doles
Heather Lea
Sean E. Soyars
Kurt C. Struckhoff
**SCHLICHTER, BOGARD & DENTON,
LLP**
100 South Fourth Street, Suite 1200
St. Louis, MO 63102
Phone: (314) 621-6115
Fax: (314) 621-5934
jschlichter@uselaws.com
mwolff@uselaws.com
tdoles@uselaws.com
hlea@uselaws.com
ssoyars@uselaws.com
kstruckhoff@uselaws.com

Lead Counsel for Plaintiffs

David B. Puryear, Jr.
PURYEAR AND LINGLE, PLLC
5501-E Adams Farm Lane
Greensboro, NC 27407
(336) 218-0227
puryear@puryearandlingle.com

Local Counsel for Plaintiffs

/s/ Jeremy P. Blumenfeld
Jeremy P. Blumenfeld
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
Telephone: 215.963.5000
Facsimile: 215.963.5001
Email: jeremy.blumenfeld@morganlewis.com